

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus GARCIA-Santiago,

Defendant

07 NOV -8 PM 12:34

) Magistrate Docket No. **'07 MJ 2627**
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

) COMPLAINT FOR VIOLATION OF:
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **November 7, 2007** within the Southern District of California, defendant, **Jesus GARCIA-Santiago**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF November, 2007.

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE



CONTINUATION OF COMPLAINT:
Jesus GARCIA-Santiago

PROBABLE CAUSE STATEMENT

At approximately 5:00 a.m. on November 7, 2007, Senior Patrol Agent P. Molina responded to the activation of a seismic intrusion sensor in an area known locally as Zuellner's in the Tecate, California. This area is adjacent to the U.S. / Mexico international border and lies approximately 9 miles east of the port of entry in Tecate, California. Upon arriving in the area,, Agent Molina observed the footprints of a large group of people that had crossed the Border Road and walked northbound from the international boundary between Mexico and the United States. After following the footprints northbound for approximately ten minutes, Agent Molina encountered a group of 11 individuals that had been attempting to conceal themselves in the surrounding brush and boulders. Agent Molina identified himself to the individuals as a Border Patrol Agent and questioned them as to their citizenship. Each subject, including one later identified as the defendant **Jesus GARCIA-Santiago** freely admitted to being citizens and nationals of Mexico not in possession of any valid immigration documents that would allow him or her to enter or remain in the United States legally. Agent Molina placed all eleven under arrest and arranged for their transportation to the processing center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on October 28, 2007 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.